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OFFICE OF PETITIONS

In re Application of	:
Karl Andrew Garrill et al	:
Application No. 09/599,274	: DECISION ON PETITION
Filed: June 22, 2000	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. PG4114	:

This is a decision on the petition under 37 CFR 1.78(a)(3), filed January 16, 2003, to accept an unintentionally delayed claim under 35 U.S.C. § 120 to an additional nonprovisional application; namely, Application No. 09/216,183, filed December 18, 1998.

The petition is **dismissed** as moot.

The instant application was filed on June 22, 2000. A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. *See MPEP 1481 and 65 F.R. 57024 (Sept. 20, 2000).* Therefore, the petition is dismissed as involving a moot issue.

In view of the above, the two \$1,300 surcharge fees charged to petitioner's deposit account will be credited in due course.

Any inquiries concerning this decision on petition may be directed to Frances Hicks at (703) 305-8680.

This application is being forwarded to Technology Center AU 3728 for processing the Request for Continued Examination filed March 12, 2003.¹

Frances Hicks
Frances Hicks
Lead Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

¹ Acknowledgment is made of the amendments filed January 16, 2003 and March 12, 2003, as well as of the Supplemental Information Disclosure Statement filed March 12, 2003.